

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Electronically Filed
)	
ERIC JOHNS,)	Criminal No. 00-209
)	
Defendant.)	

MOTION TO MODIFY CONDITIONS OF SUPERVISED RELEASE

AND NOW comes Defendant, Eric Johns, by and through his attorney, Martin A. Dietz, Esquire, and respectfully moves this Court for a modification of the terms of supervised release upon the following basis:

1. On November 7, 2002, pursuant to a plea agreement, this Court sentenced defendant, Eric Johns (hereinafter "Mr. Johns") to a term of imprisonment of 96 months followed by a term of five years' Supervised Release.

2. Mr. Johns has been notified by the Bureau of Prisons that his Residential Reentry Center or "RRC" (halfway house) release date is August 19, 2008.

3. However, this release date is in jeopardy because the Family Division of the Court of Common Pleas of Allegheny County has lodged a detainer against Mr. Johns for his failure to appear at a Family Division hearing. His failure to appear resulted from his federal incarceration.

4. The Bureau of Prisons will not release Mr. Johns to a RRC halfway house at his scheduled date due to the detainer pursuant to their policy that inmates will not be released to Residential Reentry Center or "RRC" (halfway house) if an outstanding detainer is lodged against an inmate. Without the detainer being lifted, Mr. Johns will not be released until January 20, 2010, his statutory release date. See the attached memo from Nicole Shaffer of the Bureau of Prisons.

5. If the detainer is removed, however, Mr. Johns will be released as scheduled.

6. Undersigned counsel has contacted a representative of the Court Administrator's Office of the Family Division of the Court of Common Pleas of Allegheny County who has indicated that she would lift the detainer on Mr. Johns provided a Court order is issued requiring him to appear before the Family Division upon his release from the custody of the Bureau of Prisons.

7. Accordingly, Mr. Johns respectfully requests that this Court enter the attached order which slightly modifies the conditions of supervised release only to the extent that Mr. Johns be required to report to the Family Division of the Court of Common Pleas of Allegheny County, Pennsylvania upon his release from the custody of the Bureau of Prisons.

8. Counsel for the United States of America, Assistant United States Attorney Constance M. Bowden, consents to the granting of the within motion.

WHEREFORE, Defendant, Eric Johns, respectfully requests that this Court modify the conditions of his supervised release as set forth herein.

Respectfully submitted,

s/ Martin A. Dietz .
Martin A. Dietz, Esquire
Pa. I.D. No. 69182

36th Floor, Grant Building
Pittsburgh, PA 15219
(412) 261-5520

Attorney for Defendant,
Eric Johns

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within motion has been served this 13th day of June, 2008 via electronic filing upon all counsel of record.

s/ Martin A. Dietz _____